

Summary of the National Historic Preservation Act (NHPA) Section 106 consultation

The Navy consulted with the Washington State Historic Preservation Officer (SHPO), the Advisory Council on Historic Preservation (ACHP), eight federally recognized tribes, and interested agencies to identify the Area of Potential Effects (APE) for the Proposed Action, to determine the National Registry of Historic Properties (NRHP) eligibility of cultural resources within the APE, to determine the effects of the alternatives for future development on historic properties, and to develop necessary measures to mitigate any adverse effects of future development on historic properties. The consultation was initiated via letter in October 2014 with the SHPO, the following organizations and a private individual:

- ACHP
- Town of Coupeville
- Citizens of Ebey's Reserve (COER)
- Trust Board of Ebey's Landing National Historical Reserve (ELNHR)
- Island County Commissioners
- Island County Historical Society
- National Park Service (NPS)
- City of Oak Harbor
- PBY-Naval Air Museum
- Seattle Pacific University (Camp Casey)
- Washington State Parks Northwest Region Office
- David Day.

Early in the project, the Navy sought extensive public engagement. During the National Environmental Policy Act (NEPA) scoping (139 days in 2013-2014) and re-scoping process (93 days in 2014-2015), Navy responded to more than 200 cultural resource-related comments prior to the release of the Draft Environmental Impact Statement (EIS). During the re-scoping meetings in Fall 2014, the information Navy provided included the description of the Section 106 process in relation to the NEPA process, and the Navy solicited input on historic properties.

The Navy sent a second letter to the SHPO and consulting parties on June 30, 2016. The letter provided information on the proposed methodology to define the APE, enclosures identifying the Naval Air Station (NAS) Whidbey Island site locations, Ault Field, the Seaplane Base, and the 2005 and 2013 Navy Noise Study DNL contours. The SHPO acknowledged receipt of the second letter in a response dated July 6, 2016 (please note the letter shows a date of July 7, 2016, however, the letter was transmitted to the Navy via email on July 6, 2016).

The Navy also sent letters to the Mayor of Port Townsend, the Island County Commissioner for District 3, and the Jefferson County Historical Society on July 12, 2016. These parties were additions to the original mailing list upon request. The letters requested comments on the proposed methodology to define the APE and included enclosures identifying the NAS Whidbey Island site locations, Ault Field, the Seaplane Base, and the 2005 and 2013 Navy Noise Study DNL contours.

In response to the request for comments on the proposed methodology to define the APE, letters and emails were received from the following parties:

- ACHP – The ACHP responded on August 10, 2016, with comments regarding the proposed definition of the APE and its recommendations to provide information on the APE to consulting parties for review.

- City of Port Townsend – Between July 5, 2016, and August 6, 2016, the City of Port Townsend provided correspondence via email regarding the proposed definition of the APE and the noise study. The City of Port Townsend also provided a letter to the Navy on August 16, 2016, with comments on the proposed definition of the APE and the use of the noise data.
- COER – In a letter dated July 22, 2016, COER requested information regarding the comment deadline, an explanation of expanded operations at Ault Field and OLF Coupeville, and additional input on the noise modeling study and files from the 2005 EA.
- Town of Coupeville – In a letter dated August 25, 2016, the Town of Coupeville provided comments on the use of particular noise data and the potential to impact historic resources, agriculture, and businesses.

The Navy sent a third letter to the combined consulting parties on August 31, 2016. This letter was intended to provide clarification of the NHPA Section 106 process. It included three enclosures, consisting of information on the process and strategy for the NHPA Section 106 consultation for the continuation and increase of Growler operations, a flow chart depicting the NHPA Section 106 process, and a copy of the implementing regulations for Section 106 codified at 36 CFR part 800.

Responses were received on September 1, 2016 from COER concerning the noise data and the initial findings; on September 28, 2016, from the Trust Board of ELNHR, indicating their comments on the proposed definition of the APE and the use of noise data; and on September 30, 2016, from the Washington SHPO regarding the Section 106 process, the proposed methodology to define of the APE, the development of a public involvement plan, tribal consultation, the distinction of NEPA and the NHPA, the determination of effect, and the potential for drafting resolution documentation.

As part of the good faith consultation process a fourth letter was sent by the Navy to the combined consulting parties on November 10, 2016, indicating the use of the Draft EIS public meetings to fulfill the Section 106 requirements for public notification and consultation. The letter provided information on the dates and times of the meetings. The NPS responded to this letter on January 3, 2017, noting its concern for the use of the 65 dB DNL contour to delineate the APE, as well as its concern for evaluating impacts to the cultural landscape. The SHPO responded to information presented in the Draft EIS on January 25, 2017, noting its concern with the APE and the potential for adverse effects, especially as it pertains to long-term and cumulative effects of increased flight operations on the character and qualities of historic places and communities.

The Navy invited public comment on the proposed definition of the APE which was depicted on a Section 106 poster at the DEIS public meetings. The Section 106 information was made available for public review and comment at five public meeting in five locations: December 5, 2016, at the Fort Worden State Park Conference Center, USO Hall, Port Townsend, WA; Tuesday, December 6, 2016, at the Oak Harbor Elks Lodge Grande Hall, Oak Harbor, WA; December 7, 2016, at the Lopez Center for Community and the Arts, Lopez Island, Washington; December 8, 2016, at the Seafarers' Memorial Park Building, Anacortes, WA; December 9, 2016, at the Coupeville High School Commons, Coupeville, WA. The Navy received and adjudicated an additional 198 cultural resource-related comments on the Draft and Final EIS.

The Navy sent a fifth letter to the consulting parties on May 1, 2017. This letter defined the APE and provided information regarding the Navy's rationale for the use of the 65 dB DNL noise contour for the APE taking public comments into consideration. The Navy also provided background information on historical flight operations. This good faith letter contained five enclosures, including the location of NAS Whidbey Island and OLF Coupeville, a map of flight tracks to depict airfield operations, a depiction of the aggregate noise contour, a map showing the portions of the APE evaluated for potential direct effects, and a map showing the portions of the APE evaluated for potential indirect effects.

The Navy and the SHPO continued good faith discussions regarding the APE. The Navy met with the SHPO and ACHP on May 10, 2017, and received a letter from SHPO on the same date. The letter noted the SHPO's disagreement with the definition of the APE and provided recommendations for the submittal of forms for when a survey is completed. The Navy provided a response on July 14, 2017 taking into consideration SHPO's concerns and providing additional information on the use of the 65 dB DNL contour and its intention to incorporate the whole of ELNHR.

On June 14, 2017, the Navy sent the consulting parties our proposed methodology for identifying historic properties in the APE. The SHPO response on July 14, 2017 provided concurrence with the methodology for identifying historic properties and offered recommendations to completing the task. The Navy followed with another letter on July 19, 2017 to consulting parties with our full inventory of historic properties in the APE. The letter provided an update on the Navy's effort to identify historic properties and to offer another opportunity to provide comments. Five enclosures were provided. The first four included information noting known historic properties within the 65 dB DNL contour line, the historic buildings identified in the Ebey's Landing National Historical Reserve 2016 Inventory Update, known historic properties within the 2016 Inventory Update, and all listed historic properties in the NRHP. A bibliography also was included to help provide information on the historic context. In addition, the Navy met with SHPO and ACHP to discuss the inventory on August 9 at SHPO's office in Olympia, WA.

The Navy notified the ACHP, SHPO, and consulting parties on October 2, 2017, that it was updating the noise analysis to incorporate changes to the Navy's operational training requirements, specifically a reduction in anticipated FCLP requirements based on the projected Fleet-wide implementation of Precision Landing Mode (PLM) and a reduced number of pilots assigned to each squadron, and would consult on changes to the APE and inventory once the update was complete. The letter notified the various parties in good faith of the change in the scale and scope of the undertaking due to the inclusion of two new scenarios (Scenarios D and E), a decrease in number of pilots required in each squadron, and the updated noise analysis.

A letter continuing the Section 106 consultation was provided to the ACHP, SHPO, and consulting parties on June 25, 2018. The letter amended the APE and inventory and updated the proposed undertaking taking into consideration a decrease in the number of operations proposed. The letter also provided consulting parties with the Navy's determination of effects and noted the Navy's adverse effect finding for the Central Whidbey Island Historic District as a result of more frequent aircraft operations affecting certain landscape components of the district. As the Navy explained in the June 2018 Finding of Effects Determination, the character-defining features of the district are not dependent on the total absence of modern influence. The Navy found that the increase in operations proposed by the Navy would not alter the visual experience, atmospheric elements, or setting of the historic property in ways that diminish the district's ability to convey its historic significance. In its analysis, the Navy focused on historic properties and features within the APE that would experience a "substantive change" in noise exposure under the proposed action. Figures 10 and 11 of the determination of effect demonstrate this impact in map form, and Table 14 lists the two buildings, six barns, and one historic district that the Navy determined were potentially indirectly affected by the proposed action. The Navy then analyzed whether these impacts had any effect on tangible resources and character-defining features of the cultural landscapes, concluding that the proposed action had the potential to alter the perceptual experience of nine contributing cultural landscapes as described in Table 18. The Navy then evaluated whether the proposed action would have an adverse effect on these landscapes. Of those nine landscapes, four were located outside the 65 dB DNL contour and did not require a quiet soundscape as a defining feature of their landscape. Moreover, the increase in noise at those four landscapes did not trigger a change in land use restriction, and therefore the Navy concluded that these areas were not "adversely affected" under the NHPA. The remaining five landscapes were "adversely affected" because the increase has the potential to result in a change of

recommended land use, and the Navy concluded that the proposed action would adversely affect the perceptual qualities of: The entry to Coupeville from Ebey's Prairie into prairie and along Main Street; The view to Crockett Prairie and Camp Casey from Wanamaker Road; The view to Crockett Prairie and uplands from the top of Patmore Road; The view to Crockett Prairie and uplands from Keystone Spit; and the view from Smith Prairie from Highway 20, entering the Ebey's Landing National Historic Reserve. The Navy made this determination of effects available for public review and comment on the same date and announced the documents availability in a press release. A complete record of the consultation history, including the finding of effects determination, has been made available for ACHP's reference.

Importantly, the Navy specifically addressed and discounted the potential for aircraft noise and vibration effects under the proposed increased operations in Attachment 2 of this termination package and the Final Environmental Impact Study at Appendix A1, sections A1.3.9 and A1.3.11. Later, this approach was supported in an 11 September 2018 letter from the Department of the Interior, which noted that "It seems unlikely that the extreme noise generated by Growlers imposes significant kinetic energy to harm structural integrity of the predominantly wood-framed structures in the Reserve, especially relative to natural events such as the high winds that routinely buffet the island."). In Attachment 2 of this termination package, the Navy reviewed available literature and outside studies, including the 2016 NPS noise measurement at the Reuble Farmstead and Ferry House, and concluded that it is unlikely that Growler noise would create sound pressure levels capable of damaging structures through vibrational impacts. See pages 62-63 of Attachment 2.

In its Finding of Effects Determination, the Navy proposed certain resolution options: Supporting policies in place to minimize noise effects of flight operation in the community, continued collaboration with the county and community on the purchase of conservation easements, funding informational kiosks at all nine potentially affected areas, increased support to REPI and encroachment management programs, and historical property inventory undertakings.

The SHPO responded to the Navy's letter on June 27, 2018 by acknowledging the receipt of the materials and concurred with the Navy's determination of adverse effect. The SHPO also stated next steps required further consultation and the development of a Memorandum of Agreement (MOA) to address the adverse effect. Finally, the SHPO also requested correspondence or comments received from concerned tribes or other consulting parties.

The Navy has continued to consult with the SHPO, the ACHP, tribes, and consulting parties regarding the MOA to mitigate adverse effects as part of its NHPA Section 106 consultation. On July 24, 2018, the Navy provided the parties with a consultation plan and information regarding the first of several further consultation meetings regarding resolution of the adverse effects of the undertaking.

Consultation has been conducted with these organizations because they have demonstrated interest in the effects of the undertaking on historic properties. Consultation also is being conducted with individuals interested in this undertaking and the potential adverse effects to historic properties. The APE was refined in consideration of comments received by the consulting parties and now includes all of ELNHR. Information received through the consultation also was considered by the Navy in evaluating potential effects to historic properties, particularly with regard to noise and vibration effects to off-installation resources.

As mentioned previously, the Navy initiated Section 106 consultation with the eight federally recognized tribes regarding the Proposed Action and its effects on historic properties at NAS Whidbey Island. The Tribes have received all of the consultation letters previously discussed and have been notified and provided consultation materials for the MOA development.

The following tribes were contacted on October 10, 2014:

- Jamestown S’Klallam Tribe
- Lummi Tribe of the Lummi Reservation
- Samish Indian Nation
- Stillaguamish Tribe of Indians
- Suquamish Indian Tribe of the Port Madison Reservation
- Swinomish Indian Tribal Community
- Tulalip Tribes of Washington
- Upper Skagit Indian Tribe

The Samish Indian Nation responded on October 28, 2014, indicating that the Samish Indian Nation was not interested in consulting for cultural resources at this time.

The Navy sent a second letter to the tribes on June 30, 2016. The letter provided information on the proposed definition of the APE, as well as enclosures identifying the NAS Whidbey Island site locations, Ault Field, the Seaplane Base, and the 2005 and 2013 Navy Noise Study DNL contours.

The Jamestown S’Klallam Tribe responded on August 1, 2016, indicating that with respect to cultural resources, the tribe has no comments regarding the EA-18G flight operations. They requested future consultation on projects regarding renovation, demolition, and construction of facilities at NAS Whidbey Island.

The Stillaguamish, Swinomish, Upper Skagit, and Jamestown S’Klallam all requested to remain informed throughout the consultation to develop the MOA. No other responses have been received to date from the tribes.

In keeping with 36 CFR 800.6, the Navy continued consultation with the consulting parties following the release of the Navy’s Determination of Effect on June 25, 2018. The Navy coordinated with ACHP, SHPO and other consulting parties to schedule the first of several meetings to discuss the adverse effects to the perceptual qualities of the landscape, to identify options in order to resolve the adverse effects, and to exchange information in an effort to develop a MOA. These meetings have resulted in robust discussions of the effects and options for resolution. Ultimately, from August 2018 through October 2018, the Navy conducted six consultation meetings with SHPO, the National Park Service (NPS), the Mayor of Coupeville, Island County Commissioners, the Trust Board for the Reserve, Citizens of Ebey’s Reserve, the Mayor of Port Townsend, the Washington Governor’s Office, David Day (citizen), and Kerry Lyste, Tribal Historic Preservation Officer for the Stillaguamish Tribe (together “consulting parties”) to identify appropriate measures to resolve the adverse indirect effect explained in the Navy’s determination of effect.

The first consulting party meeting occurred on August 2, 2018 and was led by CAPT Moore, CO, NAS Whidbey Island and Ms. Kendall Campbell, Naval Facilities. The meeting was held at the NPS facility in Coupeville. The purpose of this meeting was to review the consultation plan provided on July 24, 2018, to explain the NHPA process as well as the purpose and longevity of the MOA, to understand the roles and responsibilities of the consulting parties, and to discuss the Navy’s consultation schedule including the public review of the Final Draft MOA.

On August 20, 2018, the second consulting party meeting was led by CAPT Army, CO, NAS Whidbey Island, (who assumed command of NAS Whidbey Island from CAPT Moore in August 2018). Discussion focused on the Navy’s decision making process in which Ms. Lisa Padgett, Project Manager,

US Fleet Forces Command, and Ms. Kendall Campbell explained how the environmental review, historic property concerns, and public involvement would inform the Navy's good faith decision making process. Ms. Campbell and CAPT Army provided additional clarification on the scale and scope of the undertaking. Ms. Campbell summarized the resolution options and comments received from Mayor Hughes from the Town of Coupeville, Ms. Kristen Griffin, ELNHR Manager and Ms. Helen Price Johnson, Island County Commissioner

In the weeks before the third consultation meeting on September 4, 2018, correspondence from other consulting parties requested that Navy undertake mitigation measures that are outside the scope of the NHPA. These included selection of an alternative for FCLP operations that more evenly divided flight operations between the two airfields, provided funding for schools, and provided funding to purchase sound-cancelling headphones for farmworkers among others. At the September 4, 2018 meeting, the discussions were focused again on the scale and scope of the undertaking and progress was made on several potential good faith resolution options that were commensurate with the nature, scale, and scope of the undertaking's effects on contributing landscape features of the Central Whidbey Island Historic District, consistent with Navy's national defense mission, its NHPA responsibilities, and potentially within the Navy's fiscal authority to implement. The consulting parties discussed the matrix of 20 resolution options received from SHPO, ELNHR, NPS, Town of Coupeville, Coupeville Chamber of Commerce and Citizens of Ebey's Reserve.

On September 17, 2018, the consulting parties continued their discussion of the 20 resolution options. Specific discussion focused on Navy's limited authority to fund mitigation measures off Navy-owned property. Navy discussed the distinction between Department of Transportation funding authorities and Department of Navy within the Department of Defense. The Navy discussed how the intent of given options could be met in good faith within the limitations of Navy's fiscal authorities for each of the 20 resolution options on the matrix. Finally, the Navy discussed comments received from Ms. Kristen Griffin, ELNHR Trust Board Manager, Ms. Maryon Atwood, President of COER, and Mr. Roy Zip, NPS Operations Manager for ELNHR. At the conclusion of the meeting, a general consensus was reached on five options to carry forward in the preparation of a Draft MOA. However, the SHPO shared "continued concern with understanding how the Navy is giving back to the public" and expressed that "if a federal undertaking is taking something away from the citizenry then the federal agency has to give something back to the citizenry." This broadly compensatory approach fails to "avoid, minimize, or mitigate" the Navy's impact on the historic properties identified in Attachment 2.

A Draft MOA was prepared by the Navy and shared with the consulting parties at the fifth consulting party meeting on September 27, 2018. The Draft MOA focused on establishing a grant program through the NPS that complements the existing and very successful Ebey's Forever Grant. The proposed project to provide NPS funds for preservation projects under the grant program would double Ebey's Forever Grant annual grant budget, provide a GS-9 staff position to support administration of the grant program, provide funding for a landscape assessment to inform future decisions, commit to pursuing easements, and communicate volunteer opportunities within the Reserve. The Navy worked to modify and expand each of the five proposed resolution options to be responsive to the consulting parties' concerns and priorities.

In keeping the resolution proposals commensurate to the scale and scope of the effect to historic properties explained in Attachment 2, the Navy's draft MOA focused on "landscape preservation", offering \$250,000 to support preservation of landscape components in the five contributing landscapes identified as "adversely affected". In her October 8, 2018 edits to the Navy MOA, the SHPO altered the Navy's "landscape preservation" header to read "Barn and Historic Structure Rehabilitation" and required \$8 million dollars to support preservation "within Ebey's Historic Reserve and other historic properties in Whidbey Island which may include stabilizing historic barns, stabilizing and soundproofing historic structures."

Under the SHPO's proposal, the \$8 million dollars was not only available to be used wherever the SHPO believed necessary within Whidbey Island without reference to the five identified cultural landscapes, but if not used within five years it would revert back to the statewide Heritage Barn Program, further weakening the relevance of the mitigation to the alleged impact. This broad, unspecific proposal fundamentally failed to address the "avoid, minimize, or mitigate" requirement in NHPA by proposing that the Navy fund an uncertain and unspecified amount of needed modernization projects on historic properties on Whidbey Island and, potentially, within the State of Washington without reference to the identified adverse effect. Moreover, it sought to revisit the question of whether Navy activity would have a vibrational impact on historic properties after previously concurring with the Navy's June 2018 finding of adverse effect, in which the Navy noted that this was "unlikely."

In October, the Navy obtained approval from ASN (FMB, Comptroller) to use the Economy Act authorities as a funding mechanism to implement the MOA and coordinated with DOI legal counsel to ensure the ability of the NPS to accept funds under the terms of the MOA.

The Navy published the Draft MOA on October 22, as required by the Navy's Section 106 Consultation Plan and requested by ACHP and COER, and invited the public to express their views on resolving the adverse effect to historic properties prior to finalizing the MOA. As of this date, the Navy received over 70 comments which were considered in the re-drafting of the MOA. As the consultation continued to progress under Section 106, the Navy committed to working with the consulting parties, refining and updating the Draft MOA and provide the public the opportunity to express their views on the latest version of the Draft MOA.

During the sixth consulting party meeting on October 23, 2018, many of the consulting parties expressed displeasure at the release of the Draft MOA. CAPT Army met with SHPO, Mr. Jim Baumgart, Senior Policy Advisor to Gov. Inslee and Ms. Griffin, ELNHR Manager to address their concerns that funding was going to NPS and not directly to the local community. CAPT Army explained that some of the consulting parties' concerns and needs (i.e., economic concerns) were better addressed through other programs than the NHPA process and that the Economy Act was the Navy's means to accomplish mitigation for resolution of the indirect adverse effects in this NHPA process. The consulting parties were frustrated by the limitations of Navy's fiscal authority, the use of a funding mechanism via NPS for the grant program, and the Navy's inability to fund preservation projects anywhere on Whidbey Island outside of the affected area.

Ms. Griffin, ELNHR Manager, expressed the Trust Board's desire and preference to only fund priority projects that would provide a lasting benefit to the community. The funding discussion then transitioned into questioning the APE and the finding of indirect adverse effects to the perceptual qualities of the five landscapes. ACHP reiterated that the Navy is responsible to resolve the adverse effect, but that the regulations require an agency to define the APE that is proportional to the undertaking. CAPT Army explained that NHPA is not the last opportunity for engagement on operational concerns and he reiterated that he is committed to continue to work in good faith with the community. However, SHPO stated that since the parties were at an impasse regarding the APE and adverse effect, she cannot sign the MOA at this time. Mayor Hughes, from the Town of Coupeville, and Ms. Griffin also stated that they would decline to sign the MOA at this time.

Since the October 23, 2018 meeting, CAPT Army and Ms. Campbell had numerous conversations with: Mayor Hughes, from the Town of Coupeville, Ms. Griffin, ELNHR Manager, Roy Zipp, the NPS Operations Manager of ELNHR, Helen Price Johnson, the Island County Commissioner, and SHPO. In an effort to address community concerns and provide mitigation measures more aligned with ELNHR and NPS priorities, Navy suggested draft MOA changes that retained the NPS priority of a southern gateway,

but eliminated some other proposals and replaced them with funding a preservation project to the Ferry House, a publicly owned structure and top priority for ELNHR. Encouraged by positive reactions to this proposal from Mayor Hughes, from the Town of Coupeville, and Ms. Griffin, ELNHR Manager, CAPT Army delivered a new draft MOA to the consulting parties with these revised terms on November 7, 2018.

On November 13, 2018, both the Trust Board of Ebey's Landing Historic National Reserve and the Board of the Town of Coupeville voted to non-concur with the revised draft MOA. In a letter dated November 14, 2018, Kristen Griffin indicated the Trust Board of Ebey's Landing National Historic Reserve voted to non-concur with the revised draft MOA, (Attachment 5) because the Board felt the measures in the revised draft MOA were "not proportional to the adverse effect to the Central Whidbey Island Historic District" and instead proposed stabilization and rehabilitation projects requiring funding of \$5.8 million dollars. This proposal is not commensurate to the adverse effect for the undertaking, which increased occurrence of noise exposure affecting certain cultural landscape components in the historic district.

Over the course of these meetings, the consulting parties, including SHPO, continued to ask the Navy to mitigate what they refer to as impacts to the "quality of life" on Whidbey Island with resolution options that did not address the adverse effect of the undertaking.

While SHPO expressed interest in continued discussion, she ultimately declined to sign. On November 16, 2018, Navy received comments from the ACHP on the revised draft MOA suggesting Navy consider a higher amount of mitigation associated with the Ferry House, advocating Whidbey Island be designated a Sentinel Landscape, and additional funding for easements in the area. Navy reviewed these recommendations and responded to ACHP and SHPO on November 21, 2018 offering to provide a final list of appropriate, preservation-related projects that Navy would fund from an anticipated revised NPS estimate of projects related to the Ferry House, willingness to advocate for Whidbey Island to be designated a Sentinel Landscape, and commitment to seek additional funds and easements in fiscal year 2020 to focus on preservation of rural quality of the landscape. Navy concluded this offer to SHPO by requesting a phone call with SHPO on November 27, 2018 to discuss the specific projects at Ferry House. Navy needed concurrence on this offer by noon November 29, 2018 due to significant operational impacts to vital military construction and training that would result from further delay. Approximately 30 minutes after receiving the offer, SHPO responded that she may not be able to meet the deadline of November 29, 2018 due to meetings with the Governor, correspondence between Representative Larsen and Secretary Spencer, and her new understanding of the estimate provided by NPS for the Ferry House projects. Also on November 21, 2018, Roy Zipp from NPS indicated a cost estimate of Ferry house projects would likely be provided to Navy on Monday, November 26, 2018 after he consulted with a historic architect.

On November 27, 2018, the Navy received a list from NPS confirming Ferry House projects and cost estimates. During the week of November 27th, Navy personnel were in almost daily contact with Dr. Brooks by phone to discuss the terms of the proposed MOA. Navy conveyed its best and final offer to the parties on November 27, 2018, in which Navy agreed to provide funding to NPS for preservation projects for the Ferry House up to \$1 million dollars. Navy internal reports characterized the discussions between the parties during this week as "optimistic" as it appeared the parties had resolved their fundamental disagreement about the proposed mitigation, and all that remained was to reach agreement on the amounts and number of projects that would be funded under the MOA.

Navy requested the SHPO's response to this offer by 5pm NLT 1700 Pacific Time on November 29, 2018. On November 29, 2018, the SHPO rejected the Navy's offer, stating "I will not be signing the current Section 106 Memorandum of Agreement." At ACHP's recommendation, the Navy made one final call to the SHPO on November 30, 2018 to understand what the SHPO would need to see in the MOA in order to sign. The SHPO stated that the MOA should include: \$2 million for the Ferry House, \$2 million for Coupeville Wharf, and the mitigations requested by the Trust Board of the Reserve in their letter to

CAPT Army of November 14, 2018 (1. \$2 million for a project to stabilize historic concrete structures in Fort Casey and Fort Ebey State Parks; 2. \$2 million for structural rehabilitation of Coupeville Wharf; and 3. \$1.8 million for structural and security improvements to the historic Ferry House).

The Navy has attempted to keep the SHPO and other consulting parties focused on appropriate mitigations to the historic properties identified as being adversely impacted in the June 2018 Findings document. The SHPO's and other parties' continued insistence on seeking resolutions not commensurate to the indirect adverse effects on historic properties and landscapes outlined in the Navy's determination has resulted in an impasse.

List of Section 106 Correspondence and Supporting Documentation

Request to be Consulting Party and Response

February 22, 2014 – Citizens of Ebey’s Reserve – Request for Consulting Party Status

May 20, 2014 – Letter to Mr. Monson and Mr. Pickard

Definition of Undertaking and Invitations to Participate as Consulting Parties and Responses

October 10, 2014 – Letter to Advisory Council on Historic Preservation (ACHP)

October 10, 2014 – Letter to Washington State Historic Preservation Office (SHPO)

October 10, 2014 – Letter to Federally Recognized American Indian Tribes and Nations

- Jamestown S’Klallam Tribe (letter provided)
- Lummi Tribe of the Lummi Reservation
- Samish Indian Nation
- Stillaguamish Tribe of Indians of Washington
- Suquamish Indian Tribe of the Port Madison Reservation
- Swinomish Indian Tribal Community
- Tulalip Tribes of Washington
- Upper Skagit Indian Tribe

October 20, 2014 – Letter to Interested Parties

- Mayor Conrad, Town of Coupeville (letter provided)
- Mr. David Day
- Mayor Dudley, City of Oak Harbor
- Ms. Helen Price Johnson, Island County Commissioner
- Ms. Jill Johnson, Island County Commissioner
- Island County Historical Society
- Mr. Michael Monson and Ms. Maryon Attwood
- Operations Manager, National Park Service, Fort Casey
- PBY Memorial Foundation
- Seattle Pacific University – Camp Casey
- Trust Board of Ebey’s Landing National Historical Reserve
- Mr. Aubrey Vaughan, Island County Commissioner
- Washington State Parks – Northwest Region Office

October 23, 2014 – SHPO Response Letter to Captain Nortier

October 23, 2014 – Mr. David Day Response Letter to Captain Nortier

October 28, 2014 – Samish Indian Nation Response Email to K. Campbell

October 28, 2014 – Mr. Michael Monson and Ms. Maryon Attwood Response Letter to Captain Nortier

October 30, 2014 – Mr. Michael Monson and Ms. Maryon Attwood Response Letter to Captain Nortier
November 3, 2014 – National Park Service Operations Manager Response Letter to Captain Nortier
November 3, 2014 and November 4, 2014 – Trust Board of Ebey’s Landing National Historical Reserve Response Email to K. Campbell and Letter to Captain Nortier
November 4, 2014 – Email Response on Behalf of Commissioner Jill Johnson to K. Campbell
November 5, 2014 – Email Response on Behalf of Commissioner Price Johnson to K. Campbell
November 25, 2014 – Seattle Pacific University, C. Kispert Response Letter to K. Campbell

Proposed Area of Potential Effect Letters/Emails and Responses

June 30, 2016 – Letter to ACHP

June 30, 2016 – Letter to SHPO

June 30, 2016 – Letter to Federally Recognized American Indian Tribes and Nations

- Jamestown S’Klallam Tribe (letter provided)
- Lummi Tribe of the Lummi Reservation
- Samish Indian Nation
- Stillaguamish Tribe of Indians of Washington
- Suquamish Indian Tribe of the Port Madison Reservation
- Swinomish Indian Tribal Community
- Tulalip Tribes of Washington
- Upper Skagit Indian Tribe

June 30, 2016 – Letter to Interested Parties

- Citizens of Ebey’s Reserve (letter provided)
- Mayor Hughes, Town of Coupeville
- Mr. David Day
- Ms. Helen Price Johnson, Island County Commissioner
- Ms. Jill Johnson, Island County Commissioner
- Operations Manager, National Park Service, Fort Casey
- Seattle Pacific University – Camp Casey
- Trust Board of Ebey’s Landing National Historical Reserve
- Washington State Parks – Northwest Region Office

July 5, 2016 – Email from K. Campbell to Consulting Parties

July 5, 2016 – August 6, 2016 – Email Correspondence between NAS Whidbey Island and Town of Coupeville

July 6, 2016 – SHPO Correspondence

- Letter to SHPO to confirm entry into Washington Information System for Architectural and Archaeological Records Data (WISAARD) from T. Schwartz

- Email from SHPO to K. Campbell and Email from K. Campbell Noting Receipt of Letter from WA SHPO
- Letter from SHPO dated 7 July 2016 (*Please note – this was part of an email dated July 6, 2016.)
- Email from K. Campbell Providing Information to Team Members

July 12, 2016 – Letter to Interested Parties

- Mr. Richard Hannold, Island County Commissioner (letter provided)
- Jefferson County Historical Society
- Mayor Stinson, City of Port Townsend

July 22, 2016 – Citizens of Ebey’s Reserve Response Letter to Captain Moore

August 1, 2016 – Jamestown S’Klallam Tribe Response Letter to K. Campbell

August 10, 2016 – ACHP Response Letter to Captain Moore

August 16, 2016 – City of Port Townsend Response Letter to Captain Moore

August 25, 2016 – Town of Coupeville Response Letter to Captain Moore

September 1, 2016 – Citizens of Ebey’s Reserve Response Letter to K. Campbell

September 28, 2016 – Trust Board of Ebey’s Landing National Historical Reserve to K. Campbell

Clarification of Section 106 Process Letters/Emails and Responses

August 31, 2016 – Letter to ACHP

August 31, 2016 – Letter to SHPO

August 31, 2016 – Letter to Federally Recognized American Indian Tribes and Nations and Interested Parties

Federally Recognized American Indian Tribes and Nations

- Jamestown S’Klallam Tribe (letter provided)
- Lummi Tribe of the Lummi Reservation
- Samish Indian Nation
- Stillaguamish Tribe of Indians of Washington
- Suquamish Indian Tribe of the Port Madison Reservation
- Swinomish Indian Tribal Community
- Tulalip Tribes of Washington
- Upper Skagit Indian Tribe

Interested Parties

- Citizens of Ebey’s Reserve
- Mayor Hughes, Town of Coupeville
- Mr. David Day

- Mr. Richard Hannold, Island County Commissioner
- Ms. Helen Price Johnson, Island County Commissioner
- Ms. Jill Johnson, Island County Commissioner
- Operations Manager, National Park Service, Fort Casey
- Seattle Pacific University – Camp Casey
- Mayor Stinson, City of Port Townsend
- Trust Board of Ebey’s Landing National Historical Reserve
- Washington State Parks – Northwest Region Office

September 1, 2016 – Email from K. Campbell to Consulting Parties

September 30, 2016 – SHPO Response Letter to K. Campbell

Public Involvement in Section 106 for the Continuation and Increase of EA-18G Operations at Naval Air Stations Whidbey Island, Island County, Washington

November 10, 2016 – Letter to ACHP

November 10, 2016 – Letter to SHPO

November 10, 2016 – Letter to Federally Recognized American Indian Tribes and Nations

- Jamestown S’Klallam Tribe (letter provided)
- Lummi Tribe of the Lummi Reservation
- Samish Indian Nation
- Stillaguamish Tribe of Indians of Washington
- Suquamish Indian Tribe of the Port Madison Reservation
- Swinomish Indian Tribal Community
- Tulalip Tribes of Washington
- Upper Skagit Indian Tribe

November 10, 2016 – Letter to Interested Parties

- Mr. Pickard, Citizens of Ebey’s Reserve (letter provided)
- Mayor Hughes, Town of Coupeville
- Mr. David Day
- Mr. Richard Hannold, Island County Commissioner
- Ms. Helen Price Johnson, Island County Commissioner
- Ms. Jill Johnson, Island County Commissioner
- Mr. Roy Zipp, Operations Manager, National Park Service, Fort Casey
- Mr. Darrell Jacobson, Seattle Pacific University – Camp Casey
- Mayor Stinson, City of Port Townsend
- Ms. Kristen Griffin, Trust Board of Ebey’s Landing National Historical Reserve

- Washington State Parks – Northwest Region Office

November 14, 2016 – Email to SHPO from T Schwartz noting letter dated November 10, 2016

January 3, 2017 – National Park Service Email and Letter to K. Campbell

January 25, 2017 – SHPO Response Letter to Rear Admiral Mayes and transmittal email

Continuing Section 106 Consultation on the Definition of the Area of Potential Effect for the Proposed Increase in EA-18G Growler Operations

May 1, 2017 – Letter to ACHP

May 1, 2017 – Letter to SHPO

May 1, 2017 – Letter to Federally Recognized American Indian Tribes and Nations

- Jamestown S’Klallam Tribe (letter provided)
- Lummi Tribe of the Lummi Reservation
- Samish Indian Nation
- Stillaguamish Tribe of Indians of Washington
- Suquamish Indian Tribe of the Port Madison Reservation
- Swinomish Indian Tribal Community
- Tulalip Tribes of Washington
- Upper Skagit Indian Tribe

May 1, 2017 – Letter to Interested Parties

- Mr. Pickard, Citizens of Ebey’s Reserve (letter provided)
- Mayor Hughes, Town of Coupeville
- Mr. David Day
- Mr. Richard Hannold, Island County Commissioner
- Ms. Helen Price Johnson, Island County Commissioner
- Ms. Jill Johnson, Island County Commissioner
- Jefferson County Historical Society
- Mr. Roy Zipp, Operations Manager, National Park Service, Fort Casey
- Mr. Darrell Jacobson, Seattle Pacific University – Camp Casey
- Mayor Stinson, City of Port Townsend
- Ms. Kristen Griffin, Trust Board of Ebey’s Landing National Historical Reserve
- Washington State Parks – Northwest Region Office

May 10, 2017 – SHPO Response Letter to Captain G.C. Moore
June 14, 2017 – Letter to SHPO from Captain G.C. Moore

July 14, 2017 – SHPO Response Letter to Ms. Campbell

Continuing Section 106 Consultation on the Definition of the Area of Potential Effect for the Proposed Increase in EA-18G Growler Operations

July 14 2017 – Letter to ACHP

July 14, 2017 – Letter to SHPO

July 14, 2017 – Letter to Federally Recognized American Indian Tribes and Nations

- Jamestown S’Klallam Tribe (letter provided)
- Lummi Tribe of the Lummi Reservation
- Samish Indian Nation
- Stillaguamish Tribe of Indians of Washington

- Suquamish Indian Tribe of the Port Madison Reservation
- Swinomish Indian Tribal Community
- Tulalip Tribes of Washington
- Upper Skagit Indian Tribe

July 14, 2017 – Letter to Interested Parties

- Mr. Pickard, Citizens of Ebey’s Reserve (letter provided)
- Mayor Hughes, Town of Coupeville
- Mr. David Day
- Mr. Richard Hannold, Island County Commissioner
- Ms. Helen Price Johnson, Island County Commissioner
- Ms. Jill Johnson, Island County Commissioner
- Jefferson County Historical Society
- Mr. Roy Zipp, Operations Manager, National Park Service, Fort Casey
- Mr. Darrell Jacobson, Seattle Pacific University – Camp Casey
- Mayor Stinson, City of Port Townsend
- Ms. Kristen Griffin, Trust Board of Ebey’s Landing National Historical Reserve
- Washington State Parks – Northwest Region Office

July 14, 2017 – SHPO Response Letter to Ms. Campbell

Continuing Section 106 Consultation on the Proposed Methodology to Identify Historic Properties in the APE.

July 19, 2017 – Letter to ACHP

July 19, 2017 – Letter to SHPO

July 19, 2017 – Letter to Federally Recognized American Indian Tribes and Nations

- Jamestown S’Klallam Tribe (letter provided)
- Lummi Tribe of the Lummi Reservation
- Samish Indian Nation
- Stillaguamish Tribe of Indians of Washington

- Suquamish Indian Tribe of the Port Madison Reservation
- Swinomish Indian Tribal Community
- Tulalip Tribes of Washington
- Upper Skagit Indian Tribe

July 19, 2017 – Letter to Interested Parties

- Mr. Pickard, Citizens of Ebey’s Reserve (letter provided)
- Mayor Hughes, Town of Coupeville
- Mr. David Day
- Mr. Richard Hannold, Island County Commissioner
- Ms. Helen Price Johnson, Island County Commissioner
- Ms. Jill Johnson, Island County Commissioner
- Jefferson County Historical Society
- Mr. Roy Zipp, Operations Manager, National Park Service, Fort Casey
- Mr. Darrell Jacobson, Seattle Pacific University – Camp Casey
- Mayor Stinson, City of Port Townsend
- Ms. Kristen Griffin, Trust Board of Ebey’s Landing National Historical Reserve
- Washington State Parks – Northwest Region Office

Continuing Section 106 Consultation for the Proposed Increase in EA-18G Growler Operations at Naval Air Station Whidbey Island, Island County, Washington

October 2, 2017 – Letter to ACHP

October 2, 2017 – Letter to SHPO

October 2, 2017 – Letter to Federally Recognized American Indian Tribes and Nations

- Jamestown S’Klallam Tribe (letter provided)
- Lummi Tribe of the Lummi Reservation
- Samish Indian Nation
- Stillaguamish Tribe of Indians of Washington
- Suquamish Indian Tribe of the Port Madison Reservation
- Swinomish Indian Tribal Community
- Tulalip Tribes of Washington
- Upper Skagit Indian Tribe

October 2, 2017 – Letter to Interested Parties

- Mr. Pickard, Citizens of Ebey’s Reserve (letter provided)
- Mayor Hughes, Town of Coupeville
- Mr. David Day
- Mr. Richard Hannold, Island County Commissioner
- Ms. Helen Price Johnson, Island County Commissioner
- Ms. Jill Johnson, Island County Commissioner
- Jefferson County Historical Society

- Mr. Roy Zipp, Operations Manager, National Park Service, Fort Casey
- Mr. Darrell Jacobson, Seattle Pacific University – Camp Casey
- Mayor Stinson, City of Port Townsend
- Ms. Kristen Griffin, Trust Board of Ebey’s Landing National Historical Reserve
- Washington State Parks – Northwest Region Office

Request for Section 106 Consultation on the Finding of Adverse Effect to Historic Properties for the Proposed Increase in EA-18G Growler Operations at Naval Air Station Whidbey Island, Island County, Washington

June 25, 2018 – Letter to SHPO

June 27, 2018 – SHPO Response Letter to Ms. Campbell

Continuing Section 106 Consultation on the Finding of Adverse Effect to Historic Properties for the Proposed Increase in EA-18G Growler Operations at Naval Air Station Whidbey Island, Island County, Washington

June 25, 2018 – Letter to ACHP

June 25, 2018 – Letter to Federally Recognized American Indian Tribes and Nations

- Jamestown S’Klallam Tribe (letter provided)
- Lummi Tribe of the Lummi Reservation
- Samish Indian Nation
- Stillaguamish Tribe of Indians of Washington
- Suquamish Indian Tribe of the Port Madison Reservation
- Swinomish Indian Tribal Community
- Tulalip Tribes of Washington
- Upper Skagit Indian Tribe

June 25, 2018 – Letter to Interested Parties

- Ms. Maryon Attwood, Citizens of Ebey’s Reserve (letter provided)
- Mayor Hughes, Town of Coupeville
- Mr. David Day
- Mr. Richard Hannold, Island County Commissioner
- Ms. Helen Price Johnson, Island County Commissioner
- Ms. Jill Johnson, Island County Commissioner
- Jefferson County Historical Society
- Mr. Roy Zipp, Operations Manager, National Park Service, Fort Casey
- Mr. Darrell Jacobson, Seattle Pacific University – Camp Casey
- Mayor Stinson, City of Port Townsend
- Ms. Kristen Griffin, Trust Board of Ebey’s Landing National Historical Reserve
- Washington State Parks – Northwest Region Office

Section 106 Determination of Effect for the EA-18G “Growler” Airfield Operations at the Naval Air Station Whidbey Island Complex

Attachment to June 25, 2018 consultation letters

Section 106 Consultation for the Resolution of Adverse Effects to Historic Properties and Development of Section 106 Memorandum of Agreement

July 24, 2018 – Email sent to Consulting parties

- Draft Agenda
- Consultation Plan

August 2, 2018 – First Meeting with Consulting Parties

- Agenda
- Consultation Plan and Draft Schedule

August 16, 2018 – Email from Ms. Maryon Attwood, Citizens of Ebey’s Reserve

August 16, 2018 – Email from Mayor Hughes, Town of Coupeville

August 17, 2018 – Letter from Wilbur Bishop, Trust Board of Ebey’s Landing Historic National Reserve

August 20, 2018 – Email from Dr. Allyson Brooks, Washington SHPO

August 20, 2018 – Second Meeting with Consulting Parties

- Agenda
- Meeting Minutes from previous meeting
- Section 106 Resolution Options dtd 20 Aug 2018

August 20, 2018 – Email from Ms. Kristen Griffin, Trust Board of Ebey’s Landing National Historical Reserve

August 21, 2018 – Email from Ms. Helen Price Johnson, Island County Commissioner

September 4, 2018 – Third Meeting with Consulting Parties

- Agenda
- Meeting Minutes from previous meeting
- Matrix with 20 Resolution Options to Discuss
- Letter from Dr. Allyson Brooks, Washington SHPO (August 24, 2018)

September 7, 2018 – Email from Ms. Kristen Griffin, Trust Board of Ebey’s Landing National Historical Reserve

September 11, 2018 – Email from Ms. Maryon Attwood, Citizens of Ebey’s Reserve

September 13, 2018 – Email from Mr. Roy Zipp, Operations Manager, National Park Service

September 14, 2018 – Email from Ms. Maryon Attwood, Citizens of Ebey’s Reserve

September 17, 2018 – Email amending earlier correspondence from Mr. Roy Zipp, Operations Manager, National Park Service

September 17, 2018 – Fourth Meeting with Consulting Parties

- Agenda
- Summary of Mitigation Options
- Meeting Minutes from previous meeting

September 20, 2018 - Email from Ms. Maryon Attwood, Citizens of Ebey's Reserve

September 26, 2018 – Email from Dr. Allyson Brooks, Washington SHPO

September 26, 2018 – Email from Commissioner Helen Price-Johnson, Island County, WA

September 27, 2018 – Fifth Meeting with Consulting Parties

- Agenda
- Draft MOA
- Meeting Minutes from previous meeting

September 27, 2018 – Email from Dr. Allyson Brooks, Washington SHPO

September 27, 2018 - Email from Ms. Maryon Attwood, Citizens of Ebey's Reserve

September 28, 2018 – Email from Kristen Griffin, Trust Board of Ebey's Landing National Historical Reserve

September 28, 2018 – Email from Roy Zipp, Operations Manager, National Park Service

October 8, 2018 – Email from Dr. Allyson Brooks, Washington SHPO

October 16, 2018 – Email from Dr. Allyson Brooks, Washington SHPO

October 16, 2018 - Email from Ms. Maryon Attwood, Citizens of Ebey's Reserve

October 22, 2018 – Email from Roy Zipp, Operations Manager, NPS

October 23, 2018 – Sixth Meeting with Consulting Parties

- Agenda
- Meeting Minutes from previous meeting

October 26, 2018 – Email from Ms. Kristen Griffin, Trust Board of Ebey's Landing National Historical Reserve

October 26, 2018 – Gov. Inslee Letter to Assistant Secretary of the Navy

November 8, 2018 – Email from Dr. Allyson Brooks, Washington SHPO

November 14, 2018 – Letter from Ms. Kristen Griffin, Trust Board of Ebey's Landing National Historical Reserve (Separately to bundled PDF)

Public comments received on Draft MOA

November 16, 2018 – Email from Reid Nelson, ACHP

November 21, 2018 – Email from CAPT Army, CO NASWI to Washington SHPO and Reid Nelson, ACHP and consulting parties

November 21, 2018 – Email from Roy Zipp, NPS Operations Manager, NPS

November 21, 2018 – Email from Dr. Allyson Brooks, Washington SHPO

November 23, 2018 - Email from Reid Nelson, ACHP

November 27, 2018 – Email from Roy Zipp, NPS Operations Manager, NPS

November 27, 2018 - Email from CAPT Army, CO NASWI to Dr. Allyson Brooks, Washington SHPO, Reid Nelson, ACHP and consulting parties

November 27, 2018 – Email from Dr. Allyson Brooks, Washington SHPO

November 29, 2018 – Letter from Dr. Allyson Brooks, Washington SHPO

November 30, 2018 – Emails (2) from Dr. Allyson Brooks, Washington SHPO